

REMARKS**Summary of the Office Action**

In the Office Action, claims 8 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claims 1, and 3-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,145,825 to *Kunihiro et al.*, hereinafter ("*Kunihiro*").

Claims 12-14 stand allowed.

Summary of the Response to the Office Action

The Examiner is thanked for allowing claims 12-14.

Applicant has cancelled claims 4 and 15 without prejudice or disclaimer, and amended claims 1 and 8. Claims 10-11 and 16-22 are withdrawn. Accordingly, claims 1, 3, 5-9, and 12-14 are pending for further consideration.

All Subject Matter Complies with 35 U.S.C. § 112, second paragraph

In the Office Action, claims 8 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Claim 8 has been amended and claim 15 has been cancelled. Applicant respectfully submits that this rejection is respectfully traversed in light of the current amendments to claim 8. Accordingly, it is respectfully requested that all rejections under 35 U.S.C. § 112, second paragraph, be withdrawn.

All Subject Matter Complies with 35 U.S.C. § 102(b)

Claims 1, and 3-9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,145,825 to *Kunihiro et al.*, hereinafter (“*Kunihiro*”). Applicant respectfully traverses the rejection for the following reasons.

Applicant respectfully submits that the Office Action has not established that *Kunihiro* anticipates each and every feature of Applicant’s claimed invention and that all rejections under 35 U.S.C. § 102(b) should be withdrawn. Namely, Applicant contends that newly amended independent claim 1 has been amended to include the features of dependent claim 4 and now recites the feature of “advancing and retracting operations of said pressing member vary according to whether or not folding is performed on sheets newly supplied to said compiling tray, and according to what supply portion supplies sheets newly to said compiling tray, or according to a thickness of sheets newly supplied to said compiling tray.” Applicant respectfully submits that at least these features are not disclosed or taught by *Kunihiro*.

Kunihiro discloses a sheet processing apparatus that is connected to an image forming apparatus. See *Kunihiro* at col. 1, lines 1-5. However, the apparatus of *Kunihiro* fails to teach or suggest at least the above feature of claim 1.

The Office Action states that *Kunihiro* shows “advancing and retracting operations (Fig. 10) of the pressing member (including 100) vary according to whether or not folding is performed.” However, the citation to *Kunihiro* at col. 8, lines 11-40 in the Office Action does not disclose the folding of the sheets at all. Because *Kunihiro* does not disclose these features, it cannot anticipate the invention recited in claim 1.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Kunihiro* does not teach or suggest each feature of independent claim 1.

Additionally, Applicant respectfully submits that dependent claims 3 and 5 are also allowable insofar as they recite the patentable combinations of features recited in claim 1, as well as reciting additional features that further distinguish over the applied prior art.

With respect to independent claim 6, Applicant respectfully submits that *Kunihiro* does not anticipate claim 6 because it does not disclose at least “a controller that controls a reference position in a longitudinal alignment . . . for providing a predetermined conveyance force to sheets sequentially supplied to said compiling tray, and for pushing said sheets against said longitudinal reference wall,” as recited in independent claim 6. Applicant respectfully submits that the citations to *Kunihiro* at col. 6, line 12 or col. 16, line 29-45 do not even remotely teach or suggest the above-mentioned features. Because *Kunihiro* does not disclose these features, it cannot anticipate the invention recited in claim 6.

As pointed out in MPEP § 2131, a claim is anticipated by a prior art reference only if each and every element as set forth in the claim is found. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051 (Fed. Cir. 1987). Therefore, Applicant respectfully asserts that the rejection under 35 U.S.C. § 102(b) should be withdrawn because *Kunihiro* does not teach or suggest each feature of independent claim 6.

Additionally, Applicant respectfully submits that dependent claims 7-9 are also allowable insofar as they recite the patentable combinations of features recited in claim 6, as well as reciting additional features that further distinguish over the applied prior art.

CONCLUSION

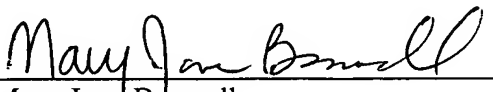
In view of the foregoing, Applicant respectfully requests reconsideration and entry of the amendments to place the application in clear condition for allowance, or in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of the Response, the Examiner is invited to contact the Applicant' undersigned representative to expedite prosecution.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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